

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

BREWIS, Jorey Lee
AKA Rebekah Katherine
#11934846

PLAINTIFF,

V.

WILLIAMS, Max et al.

DEFENDENTS.

FILED 07 NOV 29 11:52 USDC-ORP

CIVIL CASE NO. 3:07-cv-01736 MO

NOTICE OF DISMISSAL OF CIVIL
RIGHTS ACTION

NOTICE OF DISMISSAL

PURSUANT to the Federal Rules of Civil Procedure Rule 41(a) (1), plaintiff BREWIS, Jorey Lee AKA Rebekah Katherine #11934846 moves for this court to dismiss this civil action without prejudice.

Plaintiff stipulates to the following facts:

(1) Plaintiff moved to file this current 42 U.S.C § 1983 cause of action, per mailing of the respective complaint on 11/18/07 versus defendants WILLIAMS, Max et al. , alleging deliberate indifference in violation of the Eighth Amendment of the United States Constitution to the serious medical need of Gender Identity Disorder.

(2) Plaintiff filed pro se with an application to proceed In Forma Pauperis, requesting a preliminary injunction and or TRO,
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with pendent supplemental jurisdiction claims, via Memorandum of Law in Support of Motion for Preliminary Injunction, with a Motion for Preliminary Injunction/ TRO, and requesting appointment of pro bono counsel by the court.

(3) This court lacks the proper jurisdiction at this time over plaintiff's claims and cause of action pursuant to 42 U.S.C § 1997(e) due to the current failure to yet fully exhaust all Oregon Department of Corrections administrative remedies via Oregon Administrative Rule (OAR) 291-109, Grievance Review System (Inmate), and in light of the Prison Litigation Reform Act of 1995. Plaintiff Brewis has yet to have fully exhausted all of her administrative remedies available. Plaintiff formed the mistaken belief that this prerequisite exhaustion requirement was not necessary nor required for preliminary injunctions and or Temporary Restraining Orders for claims based on emergency medical care needs that plaintiff alleged. Plaintiff was provided wrongful legal advice from a legal bulletin authored by John Boston on the PLRA.

(4) Plaintiff was formerly assigned to the Snake River Correctional Institution at SMU, the facilitie's inpatient Psychiatric hospital until release three days ago on 11/21/07. On that date plaintiff was reassigned to the TRCI general population, wherein plaintiff is in less restrictive confinement and has absolute and unfettered access to the prison legal library for adequate ability to do legal research independently, and was able to timely discover and correct this error.

(5) The adjudication for notice of dismissal without prejudice is solely based on jurisdiction at this time, and not on any merits of the plaintiff's potential future case. Wherefore, plaintiff intends to proceed and recommence this cause of action once the grievance exhaustion requirements are met, and if the defendants continue to deny plaintiff Brewis' proper remedies at law for treatment of plaintiff's serious medical needs for the condition of severe Gender Identity Disorder, e.g., transsexualism, gender dysphoria.

(6) This notice of dismissal has been filed before service by the adverse party of an answer or of a motion for a summary judgment, and therefore shall be dismissed without prejudice to plaintiff BREWIS, Jorey Lee AKA Rebekah Katherine #11934846.

(7) Therefore plaintiff also moves for any filing costs to this former action be waived due to the stage of proceedings in this matter which has not caused any bearings on this court in light of plaintiff's status, the early proceeding and stage of this dismissed action in proportion to that contemplated by the courts.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

SIGNED: Jorey Lee Brewis aka Rebekah Katherine
Jorey Lee Brewis aka Rebekah
Katherine #11934846

DATE: November 25, 2007